

Congress of the United States

Washington, DC 20515

October 16, 2002

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The Honorable George W. Bush
The White House
1600 Pennsylvania Ave
Washington, DC 20500

RE: Proposal by the government of Australia to list the Patagonian and Antarctic toothfish (*Dissostichus eleginoides* and *D. mawsoni*) on Appendix II at the upcoming Convention on International Trade in Endangered Species (CITES) meeting in Santiago, Chile.

Dear Mr. President:

We urge the administration to support the proposal and accompanying implementation plan, sponsored by Australia, to list Patagonian and Antarctic toothfish -- marketed in the United States as "Chilean Sea Bass"-- on Appendix II of the Convention on International Trade in Endangered Species of Flora and Fauna (CITES) at the 12th meeting of the Conference of the Parties in Santiago, Chile, in November 2002. An Appendix II listing means that trade in the listed species would have to be fully monitored by all 160 member governments of CITES.

Both species of toothfish, the Patagonian and Antarctic, are under severe pressure from illegal, unregulated and unreported (IUU) fishing in the Southern Ocean. The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), a voluntary, international body of 24 member nations, including the United States, currently regulates the trade in toothfish but only for CCAMLR member nations.

Unfortunately, the efforts of CCAMLR to eliminate IUU fishing for toothfish have not been enough -- illegal fishing for these species increased by 300% in 2001 (CCAMLR Statistics Report 2001). According to figures released by the US Departments of Commerce and State in March, two out of every three pounds of "Chilean Sea Bass" consumed each year worldwide were caught illegally. As a result, legal fishermen in the international toothfish fishery are losing a staggering amount of money, and this slow-growing, late-maturing, deep ocean species may become commercially extinct in a matter of years. Additionally, US fishermen who legally harvest and sell domestic black sea bass (*Centropristis striata*) and striped bass (*Morone saxatilis*) find themselves in increasing competition with illegal toothfish marketed erroneously as "Chilean Sea Bass" -- toothfish is not a sea bass and is not always caught in Chilean waters.

Australian commercial fishermen appealed to their government to issue the CITES proposal to list toothfish on Appendix II and to begin the process of closing ports to illegal toothfish and the offenders who profit from them. The Australian proposal takes CCAMLR's existing documentation system and expands it to cover all nations that trade in toothfish. These nations would be required to insist on documentation that the fish being imported were caught with proper permits and within the allowed fishing areas. It also provides enforcement of these

measures, an essential measure that current regulations lack. In summary, a CITES Appendix II listing would complement and strengthen measures that have been adopted by CCAMLR, and would greatly enhance the ability of CCAMLR to control illegal fishing.

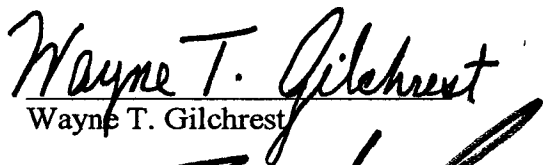
The Secretariat of CITES has determined that Patagonian toothfish meet the criteria for a listing on Appendix II. Specifically, the species is an internationally traded product with some wild populations in decline, and international trade is directly related to the decline of these wild populations. Antarctic toothfish, the second species, warrant inclusion on Appendix II under the look-alike provisions of the convention. The look-alike provisions allow for a single listing of two species if the two species are practically physically indistinguishable and are used in the same manner.

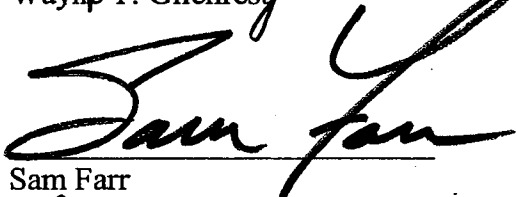
Because Patagonian toothfish would become the first large-scale commercially-fished species to be listed by CITES, some key implementation issues, such as dealing with those fish caught outside the exclusive economic zone of any country and cooperation between CITES and CCAMLR, will need to be addressed. The government of Australia has already introduced a resolution that proposes solutions for these issues. The CITES Secretariat supports this resolution as an effective way in which to implement Australia's listing proposal.

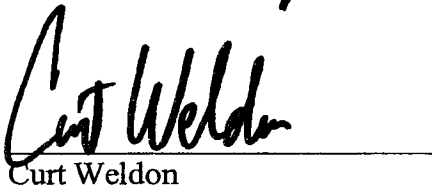
The US was a leader in getting CCAMLR to enact conservation strategies for its members. Now these conservation rules need to apply to all non-CCAMLR countries engaged in the toothfish trade and thus level the playing field for all fishermen who are playing by the rules. The Australian proposal will make that happen. United States' leadership in supporting the Australian proposal is essential for a successful listing and critical in realizing the original goal of protecting toothfish and the fishermen who depend on them.

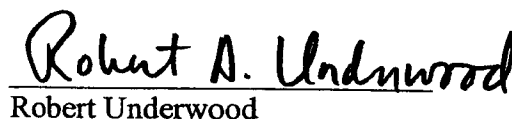
Thank you for considering our comments and we look forward to hearing from you.

Sincerely,

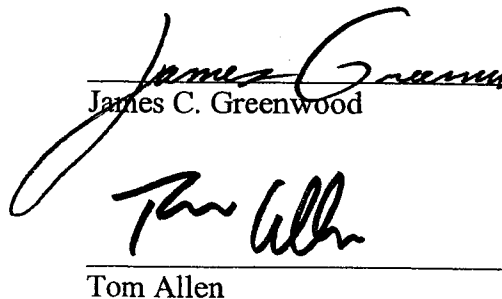

Wayne T. Gilchrest

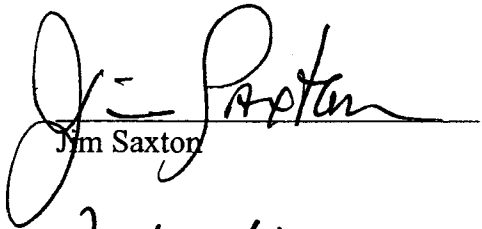

Sam Farr


Curt Weldon


Robert Underwood


James C. Greenwood

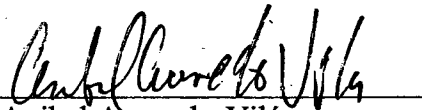

Tom Allen




Jim Saxton



Mike Honda



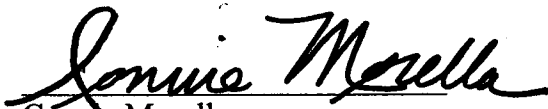
Anibal Acevedo-Vila



Sherrod Brown



Lane Evans



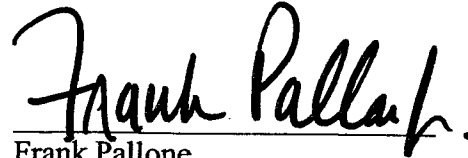
Connie Morella



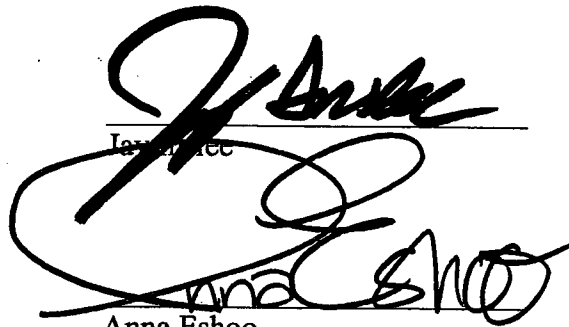
Christopher Shays



Lois Capps



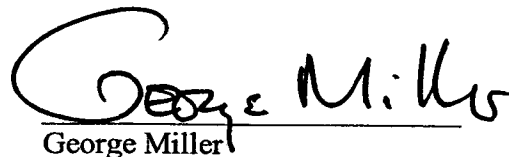
Frank Pallone



Anna Eshoo



Tammy Baldwin



George Miller

cc: Don Evans, Secretary of Commerce
Gail Norton, Secretary of Interior
Colin Powell, Secretary of State